



## Planning Advisory Committee Report

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**Report Number:** PLAN2022-039

**Meeting Date:** June 8, 2022

**Title:** Amend the Kawartha Lakes Official Plan and the Manvers Zoning By-law 87-06 at 344 Old Mill Road

**Description:** Applications for Official Plan and Zoning By-law Amendment to permit a religious educational centre and place of worship on a portion of the property described as Part Lot 21, Concession 13, geographic Township of Manvers (Riwoche Society)

**Type of Report:** Regular Meeting

**Author and Title:** Mark LaHay, Planner II, MCIP, RPP

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### Recommendations:

**That** Report PLAN2022-039, respecting Part Lot 21, Concession 13, geographic Township of Manvers, identified as 344 Old Mill Road, Riwoche Society – Applications D01-16-007 and D06-16-035, be received;

**That** a By-law to implement Official Plan Amendment application D01-16-007, substantially in the form attached as Appendix 'C' to Report PLAN2022-039 be approved and adopted by Council;

**That** a By-law to implement Zoning By-law Amendment application D06-16-035, substantially in the form attached as Appendix 'D' to Report PLAN2022-039 be approved and adopted by Council;

**That** in accordance with Section 34(17) of the Planning Act, Council having considered the changes to the proposed Zoning By-law Amendment deems no further public notice to be necessary; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of these applications.

**Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

The initial statutory public meeting was held by the Planning Advisory Committee on December 7, 2016, which adopted the following recommendation:

### **PC2016-042**

**Moved By** Councillor Stauble

**Seconded By** Councillor Macklem

**Resolved That** Report PLAN2016-078, respecting Part Lot 21, Concession 13, geographic Township of Manvers and municipally known as 344 Old Mill Road, Application Nos. D01-16-007 and D06-16-035; be received;

**That** the applications respecting the proposed Official Plan Amendment to the City of Kawartha Lakes Official Plan and the proposed Zoning By-law Amendment to the Township of Manvers Zoning By-law, be referred back to staff for further review and until such time as all comments have been received from circulated Agencies and City Departments; and

**That** upon receipt of all comments from circulated Agencies and City Departments a continuation of the Statutory Public Meeting be held.

**Carried**

At the Council Meeting of December 13, 2016, Council adopted the following resolution:

### **CR2016-1277**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor James

**Resolved That** the Minutes of the December 7, 2016 Planning Committee Meeting be received and the recommendations be adopted.

**Carried**

The secondary public meeting was held by the Planning Advisory Committee on September 11, 2019, which adopted the following recommendation:

### **PAC2019-061**

**Moved By** Mayor Letham

**Seconded By** M. Barkwell

**That** Report PLAN2019-051, respecting Part Lot 21, Concession 13, geographic Township of Manvers and municipally known as 344 Old Mill Road, Application Nos. D01-16-007 and D06-16-035, be received; and

**That** the applications respecting the proposed Official Plan Amendment to the City of Kawartha Lakes Official Plan and the proposed Zoning By-law Amendment to the Township of Manvers Zoning By-law, be referred back to staff for further review and until such time as all comments have been received from circulated Agencies and City Departments and any public comments and concerns have been addressed.

**Carried**

At the Council Meeting of September 24, 2019, Council adopted the following resolution:

**CR2019-543**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Veale

**That** the Minutes of the September 11, 2019 Planning Advisory Committee Meeting be received and the recommendations, included in Section 9.3 of the Agenda, be adopted.

**Carried**

This report addresses that direction.

Previously, a revised proposal was considered at the second public meeting to permit a two phase development on the land which will included a smaller 550 sq. m. religious educational centre, compared to the initial 1,145 sq. m. proposal considered at the first public meeting, with fewer rooms for accommodation (15 vs. 25) and 5 private cabins in the first phase and a 363 sq. m. place of worship (Temple) with six (6) lodging rooms in the second phase. This revised proposal, with an educational centre characterized as approximately half the size of the initial previous proposal, was evaluated based on the application originally submitted, which proposed a single storey educational centre. This was also alluded to in the Growth Plan addendum in support of the revised proposal considered at the second public meeting. No changes were made to the application with respect to the gross floor area provided for the temple.

Subsequently, a somewhat modified proposal was submitted in August 2021 for consideration, which contemplates the proposed development in 3 phases with a 1,145 sq. m. educational centre with 15 rooms for accommodation. The proposal also contemplates six (6) private cabins to be recognized for sleeping accommodation and

seven (7) rooms for accommodation in the proposed temple. The size of the education centre and temple previously advertised through the second public meeting and evaluated in this report however remain unchanged from 550 sq.m. and 363 sq.m. respectively.

Should Planning Advisory Committee consider the changes noted above to be minor, Section 34(17) of the Planning Act permits Council to consider changes to a proposed Zoning By-law after the holding of a public meeting, and to determine whether any further notice is to be given. If Council decides that the proposed change to the Zoning By-law is minor, a further public meeting is not required. Council's decision as to the giving of further notice is final and not subject to review in any court.

The area of the phased development represents approximately one third of the 40.5 ha. area of land while the balance of the land will be used for agricultural pursuits.

Owner:	Riwoche Society
Applicant:	EcoVue Consulting Services Inc.
Legal	
Description:	Part Lot 21, Concession 13, geographic Township of Manvers, now City of Kawartha Lakes.
Official Plan:	Designated Rural and Environmental Protection on Schedule "A-1" of the City of Kawartha Lakes Official Plan.
Zone:	Rural General (A1) on Schedule "A" of the Township of Manvers Zoning By-law No. 87-06
Total Area:	40.5 ha. Total Area of Phased Development: 13.0 ha. (Approx.)
Site Servicing:	Individual well(s) and private sewage disposal system(s) for the phased development which will include approvals from the Health Unit in accordance with O. Reg 318/08 for small drinking water systems and from the City's Building Division, Part 8 Sewage Systems for systems totaling less than 10,000 L/day
Existing Use:	Residential/Rural and Woodland
Adjacent Uses:	Large rural parcels of land including agricultural operations primarily to the west and northeast, rural residential uses and woodland/wetland areas primarily to the south and east.

## **Rationale:**

The subject property is located on the east side of Old Mill Road, north of Pigeon Creek Road and consists of 40.5 ha. of land. The site is developed with a single detached dwelling, a garage with kitchen and bathroom facilities and several small sleeping cabins. The land is owned by the Riwoche Society which is a Buddhist Society that traces its lineage back nearly 800 years to the Riwoche Temple in the eastern region of Tibet. The applicants currently worship and study at the Riwoche Temple in Toronto. The applicants have chosen the subject property as it is a large property in a natural setting for quiet reflection and education in the Buddhist faith. There is a drumlin located on the north east side of the property which is 295 metres above sea level and represents a suitable location for a temple. The owners intend to use the balance of the land to grow crops, which will be used for food at the educational centre. The applicant proposes to develop the land in three phases for the retreat based use proposed to be occupied by a maximum of 40 people during scheduled events by attendees who are registered. This is based on the number of accommodations (number of rooms) and space within the existing and proposed structures. Additional single day events that would occur 4-6 times per year would be accommodated with portable servicing for special events, such as annual picnics or outdoor events for members and their families.

The first phase consists of construction of the new main septic system and parking area, while utilizing the existing farm house, garage with accessory dwelling unit and 6 private sleeping cabins intended to be used for overnight accommodation.

The second phase consists of construction of the educational centre with a total floor area of 550 sq. m. This main building will be located adjacent to Old Mill Road and will include 15 rooms for overnight accommodation, a multi-purpose room for meditation and yoga, and a dining area. Food will be prepared in the existing dwelling and served in the dining area of the educational centre.

The third phase consists of a temple with a total floor area of 363 sq. m. on the hill in the northeast section of the property. An internal gravel road will be constructed from the educational centre to the temple. The temple will include washroom facilities, seven (7) accommodation rooms and a library, and will be serviced by a separate individual well and septic system. Limited parking will be available at the temple.

The applicant has submitted the following documents and plans in support of the original application and revised application, which have been circulated to various City Departments and commenting Agencies for review:

1. Planning Justification Report to support the proposal prepared by EcoVue Consulting Services Inc. and dated August 24, 2016 (Growth Plan Addendum dated August 29, 2019). The report justifies the development proposal under current provincial legislation and municipal planning framework.
2. Servicing Reports consisting of:
  - a. Functional Servicing Report prepared by EcoVue Consulting Services Inc. and dated August, 2016 which provides a preliminary engineering analysis of the development proposal with respect to water supply assessment and distribution, sewage treatment and disposal, parking lot and roadway construction, erosion and sediment control measures and preliminary stormwater management. The report concludes that preliminary studies undertaken support that the proposed development can be adequately serviced with respect to the above. Revised Functional Servicing Report prepared by EcoVue Consulting Services Inc. and dated July 30, 2021 which summarizes various studies relating to site servicing and concludes the applications for the proposed development can be supported.
  - b. Scoped Hydrogeological Investigation, Nitrate/Phosphate Assessment, and Soil Capability Assessments prepared by WSP Canada Inc. and dated April, 2016 which provides an analysis of the soils on the subject property and examines the impact from the development on the ground and surface water. The reports conclude that the site is capable of supporting the proposed use, in terms of water supply, sewage disposal requirements and soil suitability for construction. The report identifies that the water supply for the site will be classified as a small drinking water system under O. Reg. 318/08 and will be approved by the local Health Unit. The proposed septic systems will have a combined effluent flow rate less than 10,000 L/day and the sewage system design will fall under the jurisdiction of the Part 8 Sewage System Division of the City of Kawartha Lakes. The report also identifies that the future Temple construction and additional accommodation will be serviced by a new drilled well and separate sewage disposal system.
  - c. Stormwater Management Report prepared by Engage Engineering Ltd. and dated August 22, 2016 which provides that the development of the site will result in an increase in peak runoff from the site; therefore, quantity control is

required pre-development to post-development. A grassed detention basin is proposed for the site which will outlet to the existing pond west of the basin.

3. Revised Functional Stormwater Management Report prepared by Engage Engineering Ltd. and dated March 14, 2019 which provides that the development of the site will result in an increase in peak runoff from the site; therefore, quantity control is required pre-development to post-development. A grassed detention basin is proposed for the site for required quantity and quality control, which will outlet to the existing pond west of the basin. Further revised Functional Stormwater Management Report prepared by Engage Engineering Ltd. and dated October 2019, indicating that quality controls are achieved through the implementation of rock check dams throughout the grassed swales and provides for the inclusion of an infiltration forebay which will provide phosphorus reduction as well as aid in quality control with no net increase in phosphorus loading on the site.
4. Letter response prepared by Engage Engineering Ltd. and dated October 21, 2019 to Kawartha Conservation addressing comments from their letter dated September 11, 2019 with respect to updating the Stormwater Management Report with a phosphorous budget analysis and incorporating changes to the Erosion and Sediment Control Plan.
5. Geotechnical Test Pit Investigation prepared by WSP Canada Inc. and dated January 2019 provides recommendations for the proposed site entrance and for upgrading the road for the proposed use, including design standards for the roadway structure, widening with respect to ditch improvements and construction limitations.
6. Traffic Brief prepared by Tranplan Associates and dated March, 2016. The study evaluates the potential traffic impacts of the proposed development along with site entrance requirements. The study concludes that the south site entrance to Old Mill Road will provide good access and no additional municipal road improvements will be required to support the educational centre. However, the report recognizes that the site frontage will have to accommodate buses, municipal service vehicles and EMS vehicles and identifies that this section of Old Mill Road should be reviewed against current City of Kawartha Lakes standards to assess the need for any improvements to the present road platform.
7. Addendum Traffic Letter prepared by Tranplan Associates and dated August 8, 2018. The letter analyses future site trip generation based on three different types of programs being planned being one-day, weekend and one-week programs. It takes into account the anticipated number of participants and their method of

travel. The conclusion indicates the increase in site traffic will have no measurable impact on future traffic operations of adjacent roads and intersections. Addendum Correction Traffic Letter prepared by Tranplan Associates and dated January 23, 2020 accounted for a transcription error, which did not change the outcome of conclusions.

8. Topographic Concept Plan prepared by EcoVue Consulting Services Inc. and dated August 15, 2016, illustrating proposed layout with a 1145 sq. m. education centre.
9. Topographic Concept Plan prepared by EcoVue Consulting Services Inc. and dated January 18, 2019 illustrating proposed layout with a smaller 550 sq. m. education centre.
10. Topographic Concept Plan prepared by EcoVue Consulting Services Inc. and dated August 6, 2021 illustrating proposed phasing layout with an approximately 1145 sq. m. education centre and indicating accommodation capacities included in response prepared by EcoVue Consulting Services Inc. and dated August 6, 2021 with respect to a revised proposal and addressing staff comments.
11. Letter response prepared by EcoVue Consulting Services Inc. and dated March 30, 2020 with respect to addressing Municipal Law Enforcement matter regarding the use and purpose of the six cabins located on the subject property to be recognized for sleeping accommodations through the respective applications.
12. Letter response prepared by EcoVue Consulting Services Inc. and dated March 31, 2020 with respect to addressing comments received from Kawartha Conservation and Curve Lake First Nation.
13. Summary and Response of applicant hosted open house held November 9, 2019, prepared by EcoVue Consulting Services Inc. dated September 4, 2020 addresses the comments received to date regarding the applications. This letter-report further elaborates on the anticipated maximum occupancy for the site and updated phasing for the proposed development and responses from Consultants.

All of the above submitted reports and plans have been circulated to the applicable agencies and City Departments for review and comment and the latter letter and summary responses were reviewed internally. Staff has reviewed the Planning Justification Report amended with the Growth Plan addendum that was prepared and filed in support of the applications and has reviewed the other supporting documentation provided in the context of evaluating the relevant Provincial and City of Kawartha Lakes Policies and Plans. Further discussions have been conducted with the applicant along with correspondence received to clarify aspects of the proposal and with respect to conformity to any applicable policies and/or zoning provisions.



## **Applicable Provincial Policies:**

Staff has reviewed the Planning Justification Report prepared by EcoVue Consulting Services Inc. in support of the official plan and zoning by-law amendments. The report provides a review of the proposed development in the context of the current provincial and municipal policy framework. Staff is accepting of the planning rationale contained in the report.

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (2019 Growth Plan):**

The subject property is not located within a settlement area as defined in the 2019 Growth Plan. Section 2.2.1(d) states that development should be directed to settlement areas, except where the policies of this Plan permit otherwise. As such, the Rural Areas policies of Section 2.2.9 apply. The application conforms to the Growth Plan in that it does not detract from nor disrupt agricultural uses.

The proposed development depends on a rural setting. The large rural setting provides opportunity for quiet reflection and education in a natural setting. Development approvals are limited to a defined area with the balance of the land available for agricultural pursuits and cultivating crops for consumption at the educational centre. This ensures the sustainable use of the lands for future agricultural production and resource based uses. The natural resource of the large north east drumlin provides opportunity to construct a temple which is considered a benefit to the faith.

This application has been evaluated taking into consideration whether the proposed use is compatible with the rural landscape, can be sustained by rural service levels, and will not adversely affect the protection of agricultural uses and/or achieving long term compatibility relating to the interface of agricultural uses and non-agricultural users to minimize and mitigate adverse impacts. In addition, the relevant policies of Section 4 have been considered pertaining to key hydrologic features (wetlands) and cultural heritage resources. The proposed development is well beyond 120 metres of wetland features and not within 300 metres of a navigable water body that would require an archeological assessment.

Based on the information submitted, the applications appear to conform to the 2019 Growth Plan.

## **Provincial Policy Statement, 2020 (PPS):**

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. Section 1.1.4 Rural Areas in Municipalities acknowledges that rural areas are important to the economic success of the Province and quality of life. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy. The applications are consistent with the PPS through the following prescribed sections:

Section 1.1.4.1 states that healthy, integrated and viable rural areas should be supported by:

- building upon rural character, and leveraging rural amenities and assets;
- promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources; and
- providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets.

Section 1.1.5.2 states that on rural lands located in municipalities, permitted uses include resource-based recreational uses. Recreation, as defined in the PPS includes leisure time activity undertaken in built or natural settings for the purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential. The proposed religious educational centre and temple development is a resource-based recreational use that takes advantage of the natural features of the area, vistas and landscape to offer opportunity for quiet reflection, meditation, personal enjoyment and positive social interaction.

Section 1.1.5.8 requires that new land uses shall comply with the minimum distance separation formulae. The applicant conducted a preliminary review of livestock facilities as per Guideline 5 of the MDS Implementation Guidelines and determined that none of the three (3) encompassing livestock facilities were large enough to generate setback arcs beyond 500 metres.

Section 1.6.6.4 states that where municipal sewage and water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long term provisions of such services with no negative impacts. The Functional Servicing and Preliminary Stormwater Management Report prepared by EcoVue Consulting Services Inc. and Engage Engineering Ltd. and the Hydrogeological and Geotechnical Investigation prepared by

WSP Canada Inc. are the appropriate supporting studies for the development proposal. The submitted Hydrogeological Investigation, while concluding no negative impacts, will also be peer reviewed as a condition of the removal of Holding for the proposed zoning by-law amendment.

Section 2.1 Natural Heritage identifies that natural features and areas shall be protected for the long term and that development and site alteration shall not be permitted within significant wetlands, woodlands and valleylands, significant wildlife habitat, ANSIs, fish habitat or habitats of endangered species and threatened species. There are Provincially Significant Wetlands (PSW) located to the north (Pigeon River No. 20 PSW) and south (Pigeon River No. 23 PSW) of the subject property. Pigeon River No. 23 PSW is located along the southern limit; however, the proposed development is well beyond the limits and buffer area of the PSW. Through the City's pre-consultation process, KRCA determined that an Environmental Impact Study (EIS) would not be required.

Based on the above, the applications appear to be consistent with the 2020 PPS.

### **Official Plan Conformity:**

The land is designated "Rural" and "Environmental Protection" on Schedule "A-1" of the City of Kawartha Lakes Official Plan (OP). The educational centre and place of worship (temple) are generally uses permitted in Hamlet Settlement Areas in the OP. As the OP does not speak to institutional uses or places of worship within rural areas, an amendment to the City's OP is required to permit the use and it is necessary to demonstrate that the use is consistent with the goals and objectives of the Rural designation. The proposed development is not located with the area designated Environmental Protection.

Section 16.1 refers to the Goals of the Rural designation, which are to promote growth and development of agricultural and natural resources through a sound economic, social and environmental framework; protect agricultural land intended for agricultural production from fragmentation, development and land uses unrelated to agriculture; and to preserve and promote the rural character of the City and the maintenance of the natural countryside.

Section 16.2 refers to the Objectives of the Rural designation, which include protecting agricultural lands from non-agricultural uses; supporting farming operations and strengthening the agricultural community while permitting uses that do not conflict with them; supporting farming operations as an important component of the economy, a source of employment and a way of life for many rural residents; encouraging

sustainable farming practices; and providing for the wise use and management of resources and resource based recreational activities.

It is not anticipated that the proposed retreat based use on the subject lands, which requires rural property characteristics and a setting that cannot be found on properties in settlement areas to allow for quiet and peaceful meditation and contemplation, will contribute to the fragmentation of agricultural lands, or negatively impact the agricultural community. Although not primarily agricultural, the proposed educational centre will incorporate a significant agricultural component given the majority of the lands are available to be cultivated and the crops will be used to feed participants of the educational centre. The sustainable use of the lands will ensure that future agricultural production will be possible on the subject lands.

In addition, the scale of the development will be in keeping with the rural character and surrounding landscape. The proposed educational centre is intended to be compatible with and will be located in close proximity to the existing cluster of buildings and structures. The proposed temple, while not a traditional-looking building, will be carefully designed and constructed and will not detract from the character of the area.

In consideration of the above, the applications generally conform to the Official Plan, as amended.

### **Zoning By-Law Compliance:**

The land is zoned Rural General (A1) in the Township of Manvers Zoning By-law No. 87-06. It is proposed that the property be rezoned to a Rural General Special (A1-S\*\*) Exception Zone to permit the religious educational retreat based use and educational centre and a place of worship (Temple) as contemplated and advertised during the second public meeting. The Exception Zone will also address any additional ancillary uses and/or site specific development standards. The applicant acknowledges that the development proposal will maintain the provisions of the Zoning By-law with respect to setbacks and lot coverage. Parking provisions have been included based on the anticipated uses requested for the proposed facility.

The inclusion of three separate holding (H) symbols, ensures that specific requirements must be met to permit the proposed uses in each phase through site plan approval, including entering into a Site Plan Agreement and amending Agreements for each phase. This will ensure that certain requirements, such as site servicing and road designs along with related cost estimates, and building occupancies are provided and that the necessary road upgrades are completed to the satisfaction of the City to facilitate orderly phasing and development.

## **Other Alternatives Considered:**

No other alternatives were considered at this time other than the original proposal that was advertised, which included a 1,145 sq. m. religious education centre with a larger footprint and the second proposal that included a 550 sq. m. religious education centre on a smaller footprint with fewer accommodation rooms.

## **Alignment to Strategic Priorities:**

The Council Adopted 2020-2023 Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

This application aligns with the exceptional quality of life and healthy environment goals as the proposal permits opportunity for citizens and those visiting the City to gather for religious educational pursuits, meditation, yoga, worship and social situations. The balance of the property will be cultivated and cropped for consumption by the participants at the education centre.

## **Financial/Operation Impacts:**

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendments is appealed to the Local Planning Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

## **Servicing Comments:**

The Functional Servicing Report and the Hydrogeological and Geotechnical Assessments were circulated to the City's Engineering and Corporate Assets Department, Building Division and KRCA for review and comment. These departments and agencies will continue to contribute to the development process through the site plan approval process.

## **Consultations:**

Notice of this application was circulated in accordance with the requirements of the Planning Act and a statutory Public Meeting was held on December 7, 2016 and a secondary Public Meeting was held on September 11, 2019. As of the writing of this report, the following comments have been received:

### **Public Comments (2016 proposal):**

Comments were received from a number of property owners expressing various concerns with the applications. These concerns related mainly to increased traffic, noise, dust, the quality of the road, road flooding, future uses and numbers of attendees, other temple locations, well monitoring, economic benefit, septic requirements, emergency services access and impacts on significant woodlands.

### **Agency Review Comments (2016 proposal):**

November 17, 2016 - Building Division advises that change of use permits will be required for the existing buildings on the assumption that they will evolve to another use than the existing residential and agricultural use.

November 23, 2016 – Engineering and Corporate Assets indicates that while they have no objection to the proposed Official Plan and Zoning By-Law Amendments, they require confirmation that the proponent will address the following items through a subsequent submission:

- Proposed road improvements (width, depth, drainage, surface, signage, etc. to meet City Standards) required to Old Mill Road to meet the traffic projections and vehicle types (individual vehicles versus buses) for the project.
- Confirmation of numbers of attendees/participants (various numbers are listed in various reports) to ensure traffic projections and parking.
- All parking and building areas proposed on site (impervious – hard surface areas, including gravel) must be clearly outlined to ensure the stormwater management design confirms there is no impact to the surrounding lands.

November 25, 2016 - Economic Development advises of the following:

- The proposed development has the potential to positively impact economic growth and employment opportunities throughout the region by supporting the growth of the cultural sector and the development of compelling visitor experiences in Kawartha Lakes that will drive tourism growth and increased tourist spending.

- Current proposal has minimal impact to agricultural production due to the nature of rural lands. The growing of non-traditional crops is encouraged.

November 29, 2016 – the Chippewas of Rama First Nation acknowledge receipt and review of the Notice for the proposed applications, which was shared with their Council and forwarded to the Williams Treaties First Nation Process Coordinator/Negotiator for any necessary action, if required.

December 5, 2016 - Building Division Part 8 Sewage Systems is requesting a further review including a business plan including accessory events.

December 6 & 7, 2016 - Kawartha Conservation commented that setbacks are appropriate for the natural heritage features and they have no concerns with the applications.

### **Public Comments (2019 proposal):**

Comments were received from a number of property owners with respect to the nature of the revised proposal as well as oral comments at the public meeting. These concerns related mainly to the capacity and condition of the road, including flooding and required upgrades, numbers of attendees, parking, existing uses, construction and required permits, alleged by-law violations and issues with trust, future uses, traffic calculations, other temple locations and lands owned by Buddhist-affiliated groups, and emergency services access.

D. Costa, Chair of the Riwoche Temple spoke at the public meeting to clarify the issues being raised and stated that there is no affiliation with the nearby Cham Shan Temple, and that their core membership is significantly smaller in comparison with only 25-30 people. The main building would offer educational programs including healthy living, and traditional Buddhist courses and retreats, and typically attract 20-25 people at a time. The location was selected for its peace and tranquility and the construction of stupas and other facilities will add to the peace in the area. Comments were provided regarding previous concerns about traffic numbers and about renting a bus, and/or carpooling attendees to the site to reduce impact.

The applicant, B. Saunders of EcoVue Consulting, addressed the comments made by the members of the public at the meeting and stated the error in the traffic study would be revised. She also noted the site-specific nature of the application which would limit the uses on the property, and that any other future uses of the property would require a future zoning by-law amendment. Proposed improvements to Old Mill Road were shared to address traffic and emergency services concerns. It was emphasized that the

development is of a limited, site-specific scope, and there is no affiliation with the larger nearby Cham Shan Temple.

**Agency Review Comments (2019 proposal):**

On July 10, 2019, the Building Division advised they have no concerns with the applications.

On July 12, 2019, the Community Services Department advised that they have no comments or concerns with respect to these applications.

On July 25, 2019, the Engineering and Corporate Assets Department advised from an engineering perspective, they have no objection to the proposed Official Plan Amendment and Zoning By-Law Amendment to permit a religious educational centre with accommodation and a place of worship. Detailed Engineering review and comments will be provided at the time of site plan approval.

On August 22, 2019, the Engineering and Corporate Assets Department advised that further to their review of the notice for the proposed Official Plan Amendment and Zoning By-Law Amendment for 344 Old Mill Road, they confirm that they have no engineering requirements for the proposed applications.

On August 23, 2019, the Building Division – Part 8 Sewage Systems Program advised that the property is being proposed to be serviced with on-site sewage disposal facilities. Currently there are 2 structures with on-site sewage disposal systems on the property. The area of the application is 40.5 hectares of land, which is large enough to accommodate on-site disposal systems to service the proposal. During the building/sewage system permitting process, further evaluation will be completed to determine if the proposal will fall into the jurisdiction of the City of Kawartha Lakes Sewage Program. At this time, the Building Division – Sewage System Program has no objection to the proposal.

On August 26, 2019, Enbridge Gas advised they have no objection to the proposed applications.

On August 30, 2019, Kawartha Conservation advised they require a phosphorus budget. A net zero increase in phosphorus is the objective when developing the phosphorus budget. In addition, given the steep terrain of the subject site, Kawartha Conservation made recommendations with respect to erosion and sediment control incorporating upgraded silt, erosion and soil protection measures.



On September 9, 2019 Curve Lake First Nation advised that there is “Aboriginal knowledge” with regard to historic and pre-contact land use in the area of the 2 properties noted above as well as registered archaeological sites within the vicinity, an archaeological assessment of both properties is required.

On September 11, 2019, Kawartha Conservation provided further comments and also noted lands within their regulated area, which will require a permit for any site alteration and/or development and identified the Natural Heritage Features on the property including wetlands and Significant Woodlands and requested that these features within their regulated area be placed into protective zoning.

### **Open House hosted by Riwoche Society (on site) – November 9, 2019**

The Open House Summary Letter and Response prepared by EcoVue Consulting Inc., dated September 4, 2020, referred to and addressed the concerns raised at the open house hosted by the Riwoche Society, which included: number of event attendees, traffic, road conditions and emergency access, hotel versus retreat, gate on property, loss of agricultural land use, well protection, comparison to Cham Shan Temple, meaning of stupas on site, enforcement, and communications. In addition, preliminary floor plans were available for review, which illustrated a second level to the proposed education center over the smaller 550 sq. m. footprint, which concept plan was initially introduced at the second public meeting; however, the floor plans were not available or discussed at this public meeting.

### **Agency Review Comments (additional)**

On April 7, 2020, Kawartha Conservation having reviewed additional documents provided by the applicant in response to their earlier comments advised that it has no objection to the applications based on their consideration for natural heritage, natural hazards, and watershed management. Kawartha Conservation requested to be circulated on the Site Plan application. Kawartha Conservation also did not request that the Natural Heritage features on the property including wetlands and Significant Woodlands within their regulated area be placed into protective zoning.

Following circulation of a resubmission received from the applicant in August 2021, which included a revised concept plan with an education centre footprint similar to what was considered during the initial public meeting, although with fewer accommodation rooms (15 vs. 25) as introduced during the second public meeting, further Development Engineering and Building and Septic comments were received.

On October 14, 2021, Development Engineering recommends that the functional road improvement requirements and phasing plan be established through the Zoning By-Law Amendment process, and that detailed engineering design and construction for proposed road improvements and any associated land conveyance to the City be implemented at the time of Site Plan Approval. Development Engineering referred to a meeting held on May 28, 2021 with the City, where the Owner and development team indicated constraints regarding any proposed road improvements and the potential for an alternative design proposal and/or phasing plan for road improvements was discussed.

With respect to the above, Development Engineering will require the following for review:

1. A cost estimate for the improvements recommended in WSP January 2019 report;
2. Proposed alternative road design, including site entrance, road platform width, municipal turning basin (required for Emergency Services - Fire and Paramedic), Public Works winter operations, waste and recycling collection operations, with cost estimate; and
3. Proposed phasing plan for recommended and/or proposed alternative road improvements.

On November 9, 2021, the Building and Septic Division advised that they have no further concerns with the proposal to complete an Official Plan Amendment and Zoning By-law Amendment. However, the Division reserves the right to provide further comments on development and servicing at the time of Site Plan submission.

The Building and Septic Division would like to see the following items included for consideration in future planning applications and submissions:

1. Business plan for the operation, clearly outlining the uses of the proposed and existing structures;
2. Architectural drawings, specifically floor plans, of the proposed buildings with all rooms and spaces labeled with respect to uses and room and spaces dimensioned; and
3. A revised functional servicing report that identifies and incorporates all uses and development

Further to the comments and issues noted above, Planning notes of the following for consideration:

- A letter was provided by EcoVue Consulting Services Inc. on March 31, 2020 indicating Curve Lake First Nation advised to contact the Ministry of Culture and Sport. The Ministry confirmed there are no archaeological sites within 300 metres of the subject property. As such, an archaeological assessment is not required.
- The proposed Zoning By-law Amendment addresses specific permitted uses along with the size of buildings and maximum numbers of accommodation rooms. The proposed Temple will only serve retreat attendees. Final occupancy numbers will be determined at Site Plan stage with occupancy limits posted.
- The proposed Zoning By-law Amendment contains Holding (H) provisions to ensure orderly phasing of development and includes requirements for approval of a road design to include road improvements, entrance design and location, municipal turn around, and cost estimates the completion of required upgrades; peer review of the hydrogeological study; servicing design and establishment of occupancies; and entering into a Site Plan Agreement and amending Agreements for each phase.

### **Development Services – Planning Division Comments:**

The appropriate background studies have been submitted to support the applications for official plan and zoning by-law amendment. These reports and background studies have been circulated to the appropriate Agencies and City Departments for review and comment. The applications for Official Plan Amendment and Zoning By-law Amendment demonstrates consistency with the Provincial Policy Statement and conformity to the Growth Plan and Official Plan, as amended. The proposed applications along with a requirement for specific conditions to remove the holding symbols on the proposed zoning by-law amendment together with site plan approval will appropriately facilitate the orderly and phased development for the proposed uses on the subject property.

### **Conclusion:**

In consideration of the comments and the evaluation contained within this report, and provided there are no further issues or concerns raised, Staff respectfully recommend that the proposed Official Plan Amendment and Zoning By-law Amendment applications be referred to Council for **Approval**.

## Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.

### Appendix 'A' – Location Map



Appendix 'A'  
PLAN2022-039.pdf

### Appendix 'B' – Proposed Concept Plans (2016 & 2019, Open House 2019, revised 2021)



Appendix 'B'  
PLAN2022-039.pdf

### Appendix 'C' – Proposed Official Plan Amendment



Appendix 'C'  
PLAN2022-039.pdf

### Appendix 'D' – Proposed Zoning By-law Amendment



Appendix 'D'  
PLAN2022-039.pdf

**Department Head email:** [rholy@kawarthalakes.ca](mailto:rholy@kawarthalakes.ca)

**Department Head:** Richard Holy, Director of Development Services

**Department Files:** D01-16-007 & D06-16-035